



# Senator Bob Oke's LEGISLATIVE UPDATE

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## ELECTION CHALLENGE UPDATE

Although Chelan County Superior Court Judge John Bridges dismissed Washington's 39 counties from the lawsuit on Feb. 4, three counties (Chelan, Klickitat and Snohomish) and two county auditors (Klickitat and Lewis) have decided to stay as defendants. A majority of voters in these counties voted for Dino Rossi and officials are saying they want to stay involved in the case because they agree with the state Republican Party that the election was botched and they would like a new election. Judge Bridges also dismissed Lt. Gov. Brad Owen and Speaker of the House Frank Chopp from the case. Still involved in the case with the Republican Party are Secretary of State Sam Reed, who filed court papers siding with Republicans on key issues; and the state Democrat Party, which intervened in opposition to the case.

## ELECTION REFORM UPDATE

### New Bills Filed

**SJR 8215 (co-sponsored by Sen. Oke)** – This is a proposed amendment to the Washington State Constitution. It requires a two-thirds majority "yes" vote in both the House and Senate and a simple majority vote of the people. This measure takes the Legislature out of the election certification process.

- In the case of a tie vote, currently both chambers would vote to choose the winner. This measure changes that to "chosen by lot" conducted by the Secretary of State.
- Currently, the constitution says that contested elections shall be decided by the Legislature as provided by law. This measure changes it so that contested elections are decided by the courts as provided by law.
- This measure was not given a public hearing and died in the Senate Government Operations and Elections Committee.

### Senate Republican Priorities

Four of the five **Senate Republican priorities for election reform** are still alive in **Senate Bill 5499** and **Senate Bill 5565 (co-sponsored by Sen. Oke)**: Standardization of voting procedures; requiring voters to present identification at polling places; reconciliation of votes counted with voters credited with voting; and making accommodations to ensure military ballots are received in time to be returned and counted.

- Senate Bill 5078, a measure containing the fifth Senate Republican priority -- cleansing the voter rolls by requiring legitimate voters to re-register and verify eligibility -- was not given a public hearing or allowed to come up for a vote by the Democrat chair of the Senate Government Operations and Elections Committee.

### Other Election Reform Bills approved for a full Senate vote:

**Senate Bill 5564 (co-sponsored by Sen. Oke)** - a measure requiring a manual of election laws and rules in easy-to-understand language to be available to all election workers during vote counting, recounting, tabulation and canvassing.

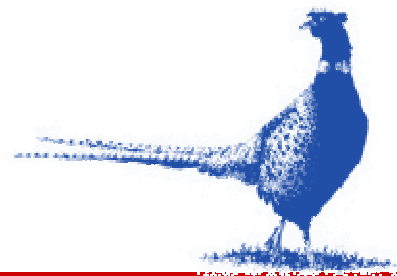
**Senate Bill 5219** – a measure changing the primary election to the third Tuesday in August and the candidates' filing week to the third week in May.

**Senate Bill 5742** – a measure requiring the Secretary of State's office to conduct a review of election procedures in each county at least once every three years. The county auditor and canvassing board must prepare a written plan to correct problems.

### Election Reform Task Force to release 23-page report

Among the recommendations to be released in the report are:

- Moving the primary election to an earlier date
- Requiring voter identification at the polls
- Requiring all counties to certify their results on the same day
- Imposing statewide standards for handling ballots
- Requiring regular audits of county election procedures



- Requiring a paper trail for touch-screen voting machines
- Retaining the local option for voting by mail but with stronger warnings about voter fraud
- Color-coding provisional ballots so they look different from regular ballots
- Improving voter registration record keeping

The report also singles out King County as needing to improve its election system.

#### **BUDGET TIDBITS...JUST THE FACTS**

**State-funded public assistance for temporarily unemployable people is one of the fastest growing budget programs: \$245 million in the next biennium.** For more information, go to [www.src.wa.gov](http://www.src.wa.gov) and click on “Budget Tidbits...just the facts, 8th Edition.”

#### **GOOD BILLS SURVIVE FIRST DEADLINE**

Although the Senate Republican measures dealing with the following issues languished in committee, the ideas are still alive and moving through the process as House bills.

##### **Performance Audits of state agencies (Senate Bill 5083, co-sponsored by Sen. Oke, and House Bill 1064)**

Senate Republicans have been pushing for performance audits of state agencies since the early 1990s. Performance audits can find inefficiencies that government agencies can't see for themselves and they can measure an agency's results against the effectiveness of its processes.

##### **Health Savings Accounts (HSAs) for state employees (Senate Bill 5202, co-sponsored by Sen. Oke, and House Bill 1383)**

HSAs allow individuals to pay for current health expenses and save for future medical and retiree health expenses on a tax-free basis, similar to an IRA. With the state facing an 11 percent annual inflation cost for government-paid health care, HSAs are a less expensive way to provide health care coverage to state employees.

#### **SENATE REPUBLICAN ROADWAY SAFETY BILLS SET FOR FULL SENATE VOTE**

Two measures that will help protect drivers, passengers and law enforcement personnel have been approved by their respective committees for a full Senate vote.

**Senate Bill 5038 (co-sponsored by Sen. Oke)** increases penalties for failing to yield to emergency or police vehicles. Drivers who fail to slow down when an emergency vehicle is on the roadway or try to beat the vehicle through an intersection are putting many lives in dangers.

**Senate Bill 5457** increases penalties for failing to secure a load on public highways. Unsecured debris falling from a truck can cause accidents and serious injuries.

#### **STUDY TO LOOK AT DONATING LEFTOVER PRESCRIPTION DRUGS**

In January this year, a new law in Oklahoma took effect which allows nursing homes to donate unused prescription drugs to state residents who can't afford them. The law also allows drug manufacturers, health care providers or individuals to donate leftover, unopened and unexpired medications to participating pharmacies. The drugs will then be distributed to the medically indigent.

**Senate Bill 5846, co-sponsored by Sen. Oke**, which was approved by the Senate Health and Long-Term Care Committee, requires a study of how Washington can safely operate a similar program. The bill is now in Senate Ways & Means because of its need for funding.

#### **SMALL BUSINESS OWNERS SAY WASHINGTON IS A BAD PLACE TO BE**

On March 1, the National Federation of Independent Businesses (NFIB) released the results of a 26-state survey that ranks Washington last among the 26 states for support from government, banks, media and community groups. A spokesperson for NFIB said state regulations and policies drag small enterprises down. The survey results show that while Washington's economy is slowly improving, small business owners are afraid to take risks because of payroll costs, increasing taxes and the burden of government regulations. Idaho, for example, charges businesses 25 percent less than Washington for workers' compensation insurance. Washington's businesses are still struggling to reach pre-recession employment levels even though the state's unemployment rate declined from December to January. Washington's rate is still above the national average. Washington's post-9/11 recession took 82,500 jobs away from people.

#### **DEMOCRATS FILE BILL TO GUT VOTER-APPROVED SUPER-MAJORITY REQUIREMENT TO RAISE TAXES**

In 1993, Washington voters approved Initiative 601 to cap state spending and make it harder for legislators to raise taxes. Under I-601, it takes a two-thirds majority of both chambers of the Legislature to raise taxes – but it only takes a simple majority to eliminate or suspend that protection. This session, Democrats have introduced a number of bills to raise taxes so they can keep spending in spite of the \$2.2 billion revenue shortfall and the clear message from voters that they want fewer taxes -- not more taxes. However, Senate Democrats have only a 26-vote majority in the Senate, making a two-thirds vote out of their reach. So, they have filed **Senate Bill 6078**, a measure that allows them to raise taxes by only a simple majority vote.

This provision contains an emergency clause making it effective immediately upon being signed by the Governor and prohibits it from being subject to a referendum by the people. This measure also changes how the spending limit is calculated. Voters said spending growth should be tied to population growth and inflation. This measure changes it to 90 percent of the personal income growth in the state effective on July 1, 2007.

#### **DEMOCRAT COMMITTEE CHAIRS STOP GOOD BILLS FROM MOVING FORWARD**

In order for bills not connected to the budgets to stay alive for this session, they had to be passed out of their respective standing committees by 5 p.m. on March 2. Here are some of the bills that didn't make it.

**Senate Bill 5982 and Senate Bill 6049 (both co-sponsored by Sen. Oke)** – these measures would have made employee health care coverage more affordable for small business owners so that more families could have health care insurance

**Senate Bill 5747 (co-sponsored by Sen. Oke)** – this measure would have linked the amount and timing of minimum wage increases to the state's unemployment rate (**Senate Bill 5551, co-sponsored by Sen. Oke**, which requires a study of the impact of minimum wage increases on job creation and job loss, was approved by the Senate labor committee and is eligible for a vote by the full Senate.)

**Senate Bill 5674** – this measure simplifies and adds certainty to the calculation of injured workers' benefits

**Senate Bill 5677 (co-sponsored by Sen. Oke)** – this measure requires the permanent revocation of a teacher's license for viewing pornography on school grounds

**Senate Bill 5283 (co-sponsored by Sen. Oke)** – this measure makes a repeat DUI conviction a felony with three prior DUI convictions

**Senate Joint Resolution 8209 (co-sponsored by Sen. Oke)** – amending the Washington State Constitution so that only the Legislature or a vote of the people can define marriage – not the courts.

You can find out the status of a bill you have been watching by visiting: <http://www.leg.wa.gov/wsladm/billinfo1/bills.cfm>

#### **PROPOSED BPA RATE CHANGE MEANS HUGE COST IN TERMS OF JOBS AND ELECTRICITY FOR WASHINGTON STATE**

Budget Advisors to President Bush are urging him to transition the Bonneville Power Administration (BPA) from cost-based rates to market-based rates as a way to reduce the national debt. Created in 1937, the BPA is a federal agency headquartered in Portland, Oregon. BPA serves the Pacific Northwest by operating an extensive electricity transmission system and markets wholesale electrical power at cost from federal dams, one non-federal nuclear plant, and other non-federal hydroelectric and wind energy generation facilities. Market rates will amount to a 66 percent rate hike for consumers and will cost Washington between 21,000 to 32,000 jobs. **Senate Joint Memorial 8018** calls upon the President, Congress and the Secretary of the U.S. Department of Energy to reject the proposal. SJM 8018 unanimously passed the Senate on February 25 and is now before the House for consideration.

#### **BILLS TO BRING COMMON SENSE TO THE STATE'S GROWTH MANAGEMENT ACT DIE IN COMMITTEE**

**Senate Bill 5896 (co-sponsored by Sen. Oke)** – this measure would have allowed slower growing counties to complete expensive and time-consuming GMA updates less often than faster growing counties

**Senate Bill 6035** – this measure would have established guidelines for cities and counties to demonstrate that the best available science is being used in the development of critical areas policies

**Senate Bill 5312 (co-sponsored by Sen. Oke)** – this measure would have given counties the right to refer a matter to the voters whenever its actions are found to be invalid or out of compliance with state law by a GMA hearings board

#### **BILL TARGETING TEACHERS WHO INCREASE THEIR PAY WITH PHONY EDUCATIONAL CREDITS AND ADVANCED DEGREES DIES IN COMMITTEE**

Under Washington law, teachers can move up the pay scale by earning additional college credits and advanced degrees to increase their knowledge and skills. News stories that teachers have earned credits from online universities that are not even accredited or legitimate prompted the filing of **Senate Bill 5634**, a measure that requires the Superintendent of Public Instruction to verify credits to be used for pay increases. These credits must be earned from an institution accredited by an accrediting association recognized by the state's Higher Education Coordinating Board. Once the credits are verified, salary increases can be approved. This bill was given a public hearing in the Senate education committee on March 2, but was not brought up for a vote by the chair.

#### **DEMOCRATS FILE BILLS TO ABOLISH STATE'S DEATH PENALTY**

The death penalty became part of Washington law when the Territorial Legislature enacted it in 1854. The law was amended in 1869 and 1909, abolished in 1913 and reinstated in 1919. The law remained unchanged for 56 years. Then in 1975, it was abolished by the Legislature. Later that year, voters approved Initiative 316 which imposed an automatic mandatory death penalty for "aggravated murder in the first degree." In 1977, the Legislature replaced the mandatory death penalty with procedures for imposing the death penalty. In 1980, this law was struck down by the Washington Supreme Court because those who pleaded guilty and avoided a jury trial, were never subject to the death penalty under the law.

In 1981, the Legislature enacted a new death penalty law correcting the defects in the 1977 law. As of June 6, 1996, an execution in Washington State will be carried out by lethal injection, unless the defendant chooses hanging. Washington's law does not allow the execution of defendants under age 18 and is not affected by the recent U.S. Supreme Court decision forbidding the death penalty for persons who committed their crimes while they were 17 or younger. **Senate Bill 6067** would abolish the state's death penalty. The House Democrat version is **House Bill 2025**. Neither of these bills got out of their respective judiciary committees before the deadline for bills to move to a full vote of the chamber.

#### **FISH AND WILDLIFE COMMISSION TO LOOK AT OPTIONS FOR SLOWING DOWN PUGET SOUND CRAB FISHERY**

The popularity of the Puget Sound crab fishery has caused the catch to double in less than a decade. As a result, managers have closed fishing seasons weeks ahead of schedule in several areas. Options for slowing the pace of the recreational crab catch in Puget Sound will be discussed at 9:30 a.m. on March 5, in room 172 of the Natural Resources Building. A full-day meeting on the issue will be held on May 14 starting at 9 a.m. at the Tyee Center, 5757 Littlerock road, S.E., Tumwater. Members of the public who wish to comment on this issue can do so during the comment periods at the beginning and end of the meetings or send written comments to the commission via email at [commission@dfw.wa.gov](mailto:commission@dfw.wa.gov), by fax (360-902-2448), or by regular mail: 600 Capitol Way North, Olympia WA 98504.

#### **ATTORNEY GENERAL MCKENNA URGES CONSUMERS TO ASK ABOUT 9-1-1 CALLS BEFORE PURCHASING VOICE OVER INTERNET PROTOCOL PHONE SERVICE**

Several service providers in Washington are now offering Voice over Internet Protocol phone service. This new service allows consumers access to voice services using their DSL connection rather than a dedicated telephone line. Potential purchasers of this new service are advised to ask if 9-1-1 calls will be routed to the call center nearest to them and if the caller's telephone number and location will be displayed. It is important that consumers know how this service might impact their households in an emergency.

*Legislative toll free hotline: 1-800-562-6000*

*TTY: 1-800-635-9993*

*Senate Republican Web site: [www.src.wa.gov](http://www.src.wa.gov)*

*Legislature's Web site: <http://www1.leg.wa.gov/legislature>*